

**IN THE DRAWINGS:**

Applicant respectfully requests that the designation "PRIOR ART" be added to FIG. 11.

**REMARKS****Claim Rejections – 35 USC § 112**

Applicant affirms, in part, the election of the claims in Group I for prosecution. Applicant believes that Claims 14 and 15 can be more properly dealt with in the examination of the claims in Group II. Therefore Applicant respectfully requests that Claims 14 and 15 be withdrawn from consideration at this time as being drawn to a non-elected invention, and that Claims 14 and 15 be included in Group II for future consideration.

**Claim Rejections – 35 USC § 102(b)**

Claims 2 – 4 and 8 have been canceled from this application. Claims 1, 5, and 9 – 13 have been amended, with claim 1 being independent.

The new claims overcome the rejections under 35 USC §102(b) and define over U.S. Patent No. US 6,356,073 B1 to Hamaoka et al. For example, Hamaoka '073 requires a stator core 25 made of a magnetic material such as iron (col. 3, line 8). The new claims describe Applicant's invention more completely as specifically not having ferromagnetic flux shapers (i.e. iron cores) between the first and second poles. Furthermore, based on the structure of FIG. 1 for JP 03206914A to Yamashita et al., it is

believed by Applicant that Yamashita '914 discloses a sensor having a magnetic field which is not substantially symmetric with respect to a line passing through the axis of rotation that is perpendicular to a line between magnets 3 and 4. The new claims describe Applicant's invention more completely as specifically having a nonuniform magnetic field that is substantially symmetric with respect to a line passing through the axis of rotation and perpendicular to the imaginary line.

The elements recited in Applicant's amended claim 1, including a line passing through the axis of rotation and perpendicular to the imaginary line, etc., are clearly shown in Figs. 5 – 7 of the application, and are respectfully submitted for entrance into the application under MPEP 2163 II. A. 3(a). The Applicant also requests that the changes described above to the Specification and Drawings be entered into the application under MPEP 2163 II. A. 3(a), as being clearly represented in the application. Applicant states that no new matter is introduced into the application by this Amendment.

#### **Claim Rejections – 35 USC §102(e) and 35 USC § 103(a)**

Claims 2 – 13 of the Application as-filed were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. US 2004/0257067 A1 to Mattson et al. (the "Mattson application"), whose effective filing date is June 18, 2003, in view of U.S. Patent No. US 6,356,073 B1 to Hamaoka et al.

Claim 1 of the Application as-filed was rejected under 35 USC §102(e) as being anticipated by the Mattson application.

Pursuant to 37 CFR § 1.131, “. . . the inventor of the subject matter of the rejected claim . . . may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference . . . on which the rejection is based.” The Examiner is respectfully requested to withdraw the rejections of claims 2 – 13 under 35 USC §103(a) and claim 1 under 35 USC §102(e) in view of the inventor’s appended “DECLARATION UNDER 37 CFR §1.131,” which is dated July 8, 2005.

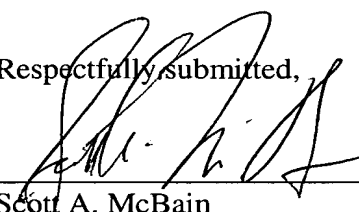
In view of the above-cited declaration showing that the general features of the claims were not taught by the Mattson application or the other prior art relied upon, Applicant respectfully requests that the rejections under 35 USC §103(a) as to optimum or workable ranges in view of *In re Aller* (citation omitted) be withdrawn.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited, as well as the entrance of this amendment.

Respectfully submitted,

By: \_\_\_\_\_

  
Scott A. McBain  
Reg. No. 37,181

Delphi Technologies, Inc.  
Legal Staff – Intellectual Property  
P.O. Box 5052  
Troy, Michigan 48007  
(248) 813-1235

Date: July 11, 2005

Attorney Docket No.: DP-309304